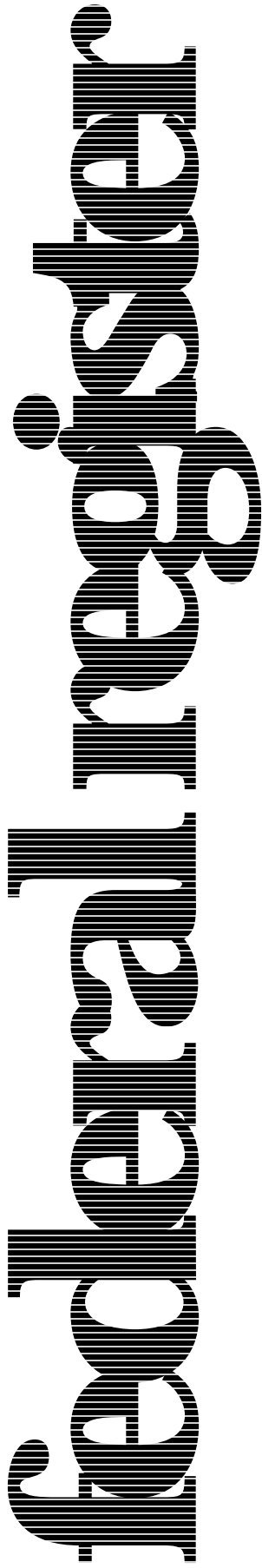


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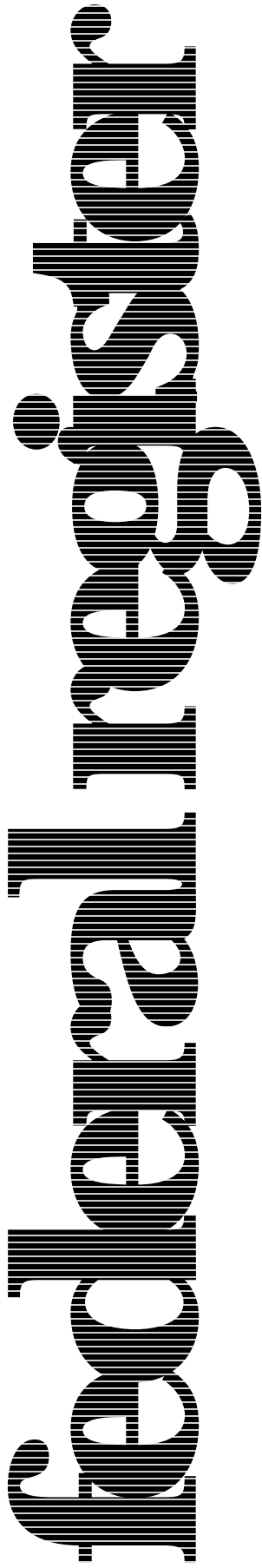
Book 1:
Pages 00000-23206



Book 1 of 3 Books
Monday, May 8, 1995

Unified Agenda of Federal Regulations

- 23002 II—Regulatory Information Service Center
- 23008 III—Department of Agriculture
- 23130 IV—Department of Commerce



Monday
May 8, 1995

Part II

**Regulatory
Information Service
Center**

Introduction to the Unified Agenda of
Federal Regulations

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: The Regulatory Flexibility Act (5 U.S.C. 602) requires that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Executive Order 12866 "Regulatory Planning and Review" (58 FR 51735; October 4, 1993) and Office of Management and Budget memoranda implementing section 4 of that Order establish minimum standards for agencies' agendas, including specific types of information for each entry.

Section 4 of Executive Order 12866 also directs that, as part of the October edition of the Unified Agenda, agencies prepare a regulatory plan of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form. The agency plans appear only as part of the October Agenda publication; they are not included in the April publication.

The Office of Federal Procurement Policy Act Amendments of 1988 (41 U.S.C. 402) require the development and semiannual publication of a report on procurement regulations. The Unified Agenda helps fulfill that requirement as well.

All Federal regulatory agencies have chosen to publish their regulatory agendas as part of this publication. The following separate parts in this issue of the **Federal Register** are the agency agendas, which together comprise the April 1995 edition of the semiannual **Unified Agenda of Federal Regulations**.

ADDRESSES: Regulatory Information Service Center, 750 17th Street NW., Suite 500, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the Agency Contact listed for each entry.

To provide comment on or to obtain further information about this publication, contact: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, 750 17th Street NW., Suite 500, Washington, DC 20006, (202) 395-6222.

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About the Unified Agenda

The Regulatory Information Service Center (the Center) compiles the **Unified Agenda of Federal Regulations** for the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of E.O. 12866.

The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the

Federal Government. This edition of the Unified Agenda includes 64 regulatory agendas from all Federal departments, agencies, and commissions that publish agendas. Agencies of the United States Congress are not included. The Merit Systems Protection Board, the National Capital Planning Commission, the Office of Special Counsel, and the Pennsylvania Avenue Development Corporation have published regulatory agendas in the past but have nothing to report for this edition.

The agendas do not include regulations that were excluded under E.O. 12866, such as those concerning military or foreign affairs functions and regulations related to agency organization, management, or personnel matters. The regulatory activities included in the agency agendas are those currently planned to have an ANPRM, NPRM, or Final Rule within the next 12 months. In order to keep readers better informed of their opportunities for participation in the rulemaking process, agencies have placed many of their rules that are not scheduled to have a regulatory action within that time period into the Completed/Long-term Actions section of their agenda. Once the agency schedules a regulatory action on one of these rules within a 12-month timeframe, the item will reappear in the agency's agenda.

The Regulatory Flexibility Act (5 U.S.C. 601) requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities. Agencies meet that requirement by including the information in their submissions for this publication.

In addition, Executive Order 12875 entitled "Enhancing the Intergovernmental Partnership" (October 26, 1993; 58 FR 58093) directs agencies to reduce the imposition of unfunded mandates upon State, local, and tribal governments. The Order directs agencies that are proposing to impose nonstatutory unfunded mandates to consult with affected governmental officials and document their concerns, report those concerns to the Director of the Office of Management and Budget, and explain the agency's position supporting the continuing need to issue the regulation in light of those concerns. As part of this effort, agencies include in their submissions information on whether their regulatory actions may have an effect on the various levels of government.

The Unified Agenda also helps fulfill the statutory requirement that the Office of Federal Procurement Policy (OFPP) publish a **Procurement Regulatory Activity Report** as required by the Office of Federal Procurement Policy Act Amendments of 1988 (102 Stat. 4055; 41 U.S.C. 402). In their submissions, agencies indicate which regulatory actions are procurement-related, as well as whether or not there is a statutory requirement or a paperwork burden associated with the procurement-related actions. Information that agencies publish in the Unified Agenda is used by OFPP to produce its report.

The Unified Agenda is produced through a computer system designed and maintained by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their materials in a uniform format, as well as the tables of contents and indexes for the publication. In order to further facilitate producing this publication, many agencies currently use computer terminals at their offices to enter information into the Center's computer system.

Agenda entries contain uniform data elements, which are described below. Agencies may also include any additional information they consider important.

Congress generally authorizes a single Federal agency to implement, through regulation, a specific policy objective. Sometimes, however, a statute may require that several agencies issue regulations to accomplish the objective. In such cases, the agencies, working with a central coordinator, jointly publish the documents issued in the course of the rulemaking proceeding. These proceedings are referred to as Governmentwide common rules.

In this edition of the Unified Agenda, four Governmentwide common rules are reported by the agencies participating in their development. They are:

- Debarment and Suspension
- New Restrictions on Lobbying
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (Thresholds)

Agencies participating in the development of these common rules

have reported them in their individual sections of the Unified Agenda.

Regulatory agendas have been required by Executive orders since 1978. The Unified Agenda has been published in April and October of each year since 1983. The October 1994 edition was the first one to include **The Regulatory Plan**. The Center welcomes your comments on this edition and suggestions for improving future ones.

About the Regulatory Plan

The Regulatory Plan serves as a defining statement of the Administration's regulatory policies and priorities. The Plan, published annually in October, contains descriptions of the agency's most important significant regulatory actions.

E.O. 12866 directs that an agency's regulatory plan should be published as part of the **Unified Agenda of Federal Regulations** (Unified Agenda) and contain two sections: (1) a narrative statement of its regulatory priorities; and (2) a description of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form during the upcoming fiscal year.

The Regulatory Plan was published as part of the October 1994 edition of the Unified Agenda and will be published again in October 1995.

How To Use the Unified Agenda

Each agency agenda appears as a separate part in this edition of the **Federal Register**. Each part is organized alphabetically in four groups: Cabinet departments, other executive agencies, joint authorities, and independent regulatory agencies. Departments are divided into agencies, which may in turn be divided into subagencies.

Each agency introduces its section of the Unified Agenda with a preamble providing information specific to that section. Each agency lists its entries in four groups by rulemaking stage:

1. Prerule Stage—actions agencies will undertake in the next 12 months to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. Proposed Rule Stage—actions for which agencies plan to publish a Notice of Proposed Rulemaking (NPRM) as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. Final Rule Stage—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step in their rulemaking process.

4. Completed/Long-term Actions—actions or reviews the agency completed or withdrew since publishing its last agenda. This section also includes items not expected to have a regulatory action (ANPRM, NPRM, or Final Rule) within the 12 months after publication of this edition of the Unified Agenda, as well as items that were begun and completed between issues of the Agenda.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear above the title of the first regulation in the group.

A bullet (●) preceding an entry indicates that the entry appears in the publication for the first time.

All entries are numbered sequentially from the beginning to the end of the Unified Agenda. The Sequence Number (Seq. No.) preceding the title of each entry identifies the location of the entry in this edition of the the Unified Agenda. The same number is used in the indexes to enable readers to find entries on specific subjects.

For each agency that requests it, the Center provides a computer-produced Table of Contents that appears after the agency preamble. The agency Tables of Contents help readers locate quickly those entries within an agency that may be of most interest to them. Sequence numbers also appear in agency Tables of Contents.

The Unified Agenda contains three indexes. The first two indexes list the regulatory actions that agencies believe may have effects on small entities or levels of government. The third is a Subject Index based on the **Federal Register Thesaurus of Indexing Terms** to help readers locate entries from various agencies that may affect a particular area of interest. The index also contains cross references to assist the reader's search.

In order to make it easier for readers to understand the content of the Unified Agenda, major regulatory agencies were asked to provide a more detailed explanation of the relative importance of their regulatory actions. They provided this information under the heading "Priority," which appears in each of their agenda entries.

Unified Agenda Data Elements

Entries describing regulations in the Unified Agenda should contain, at a minimum, the following information:

- Title of the Regulation.
- Priority—Most agencies reported Priority as either a Regulatory Plan entry from the October 1994 Plan or as an agency priority. If the agency indicated neither, the Priority heading does not appear.

Major agencies were asked to provide additional information about the nature of their rulemakings. They were asked to place each entry into one of the following six categories of significance:

REGULATORY PLAN— ECONOMICALLY SIGNIFICANT

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of \$100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

REGULATORY PLAN—OTHER

A rulemaking that does not meet the criteria for economically significant but has been or is likely to be included in an agency's regulatory plan.

OTHER SIGNIFICANT

A rulemaking that is not in **The Regulatory Plan** but is considered significant by the agency.

SUBSTANTIVE NONSIGNIFICANT

A rulemaking that has substantive impacts but is neither significant nor routine, frequent, informational, or administrative.

ROUTINE AND FREQUENT

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

INFORMATIONAL/ ADMINISTRATIVE/OTHER

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Agenda to inform the public of the activity.

- Legal Authority—the section(s) of the United States Code (U.S.C.) or Public Law (P.L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular

name references to laws in addition to these citations.

- CFR Citation—the section(s) of the Code of Federal Regulations that will be affected by the action.
- Legal Deadline—an indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some "Other" action.
- Abstract—a description of the problem the regulation will address; the need for a Federal solution; to the extent available, the alternatives that the agency is considering to address the problem; and the potential costs and benefits of the action.
- Timetable—the dates and citations (if available) for all past steps and at least a projected date for the next step for the regulatory action. If a date appears in this section as 00/00/00, it means the date of the action is currently undetermined. Similarly, 10/00/95 means the agency can predict the month and year the action will take place but not the day it will occur.
- Small Entities Affected—indicates whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601) and, if so, whether the small entities are businesses, governmental jurisdictions, or organizations.
- Government Levels Affected—indicates whether the rule is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.
- Agency Contact—the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.
- Procurement—a statement identifying procurement-related actions and indicating whether there is a statutory requirement for the action and whether there is a paperwork burden associated with the action. The Procurement heading appears only if the entry is a procurement-related action.

Some agencies have provided other optional information at their discretion; this information may include:

- Compliance Cost to the Public—the estimated gross compliance cost to the public of the action.
- Affected Sectors—the industrial sectors that the action may most affect, either directly or indirectly. Affected Sectors are identified by Standard Industrial Classification (SIC) numbers.

- Analysis—agencies may indicate if a Regulatory Flexibility Analysis, within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601), is being prepared or if any other kind of analysis or evaluation is being prepared (e.g., an environmental impact statement).

In addition to the Unified Agenda data elements that appear above, each entry that was designated a **Regulatory Plan** entry in the previous October edition may contain the information listed below. Agencies are given the choice of retaining this information in their April agenda entries. For those that chose to retain it, this information will appear as part of their agenda entries:

- Statement of Need—a description of the need for the regulatory action.
- Summary of the Legal Basis—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.
- Alternatives—a description of the alternatives to be considered or that were considered for analysis as required by section 4(c)(1)(B) of E.O. 12866.
- Anticipated Costs and Benefits—a description of preliminary estimates of the anticipated costs and benefits of the action.
- Risks—a description of the magnitude of the risk being addressed by the action, the amount by which this risk is expected to be reduced by the action, and the relation of these risks and risk reduction efforts to other risks and risk reduction efforts within the agency's jurisdiction.

In addition, some agencies have used "Additional Information" to elaborate on the information they have provided.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed.

The Unified Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in this publication. The

information in this edition is accurate as of February 24, 1995, in the judgment of the submitting agencies, except as otherwise noted by the agencies. In addition, updates were permitted through March 31.

Where applicable, individual actions will be subject to review for compliance with applicable Executive orders, the Regulatory Flexibility Act, the Office of Federal Procurement Policy Act Amendments of 1988, and the Paperwork Reduction Act at appropriate points in the regulatory process.

List of Abbreviations

The following abbreviations appear throughout this edition of the Unified Agenda:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule. The ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles, and each title covers a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

EO—An Executive order is a directive from the President to an executive agency, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal departments and agencies.

FY—The Federal fiscal year runs from October 1 to September 30.

NPRM—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the

Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- a reference to the legal authority under which the rule is proposed; and
- either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL—A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, PL 103-5 is the fifth public law of the 103rd Congress.

RFA—A Regulatory Flexibility Analysis, within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601), describes the impact of a proposed rule on small entities. An RFA describes why the agency is considering the action; the objectives of and legal basis for the proposed rule; an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill; any other duplicative, overlapping, or conflicting Federal rules; and alternatives to the proposed action. When required, an initial RFA accompanies an NPRM, and a final RFA accompanies a final rule.

RIN—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in this publication as directed by E.O. 12866 (section 4(b)). Additionally, OMB has asked agencies to include RIN numbers in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register** to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their life cycles.

Seq. No.—The Sequence Number identifies the location of an entry in this edition of the Unified Agenda.

USC—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles, and each title covers a broad area of Federal law.

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from the Superintendent of Documents, U.S.

Government Printing Office,
Washington, DC 20402-9325, (202) 512-
1800.

Copies of individual agency materials
may be available directly from the

agency. Please contact the particular
agency for further information.

Dated: April 18, 1995.

Mark G. Schoenberg,

Executive Director.

[FR Doc. 95-10084 Filed 05-05-95; 8:45 am]

BILLING CODE 6820-27-F